

**REMARKS**

Claims 1-10 remain in the application; claims 11-26 are withdrawn from consideration.

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Non-Final Office Action dated June 16, 2004 has been received and its contents carefully reviewed.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,055,899 to Wakai, et al. (hereinafter "Wakai"). Applicant amends claim 1 to correct a minor grammatical error which in no way affects the scope of the claim, and to include the features of claim 10. Applicant also amends claim 4 and cancels claim 10.

The rejection of claims 1-19 is respectfully traversed and reconsideration is requested. Claims 1-19 are allowable over the cited references in that each of these claims recites the combination of elements in claim 1 including, for example "a first insulating layer on the first conductive layer; a semiconductor layer on the first insulating layer; a second conductive layer on the first insulating layer". None of the cited references, including Wakai, singly or in combination, teaches or suggests at least this feature of the claimed invention.

The structure of claim 1 of the present invention is different from the structure of Wakai in that Wakai does not disclose or suggest "a first insulating layer on the first conductive layer; a semiconductor layer on the first insulating layer; a second conductive layer on the first insulating layer". Wakai does not disclose or suggest this semiconductor layer. Wakai discloses the second insulating layer as reference number 118 of Fig. 8. Layer 118 does not substantially does not include a hole as claim 1 requires, however there is no semiconductor layer on the first insulating layer as recited by claim 1. Wakai discloses that

“[a]n insulating film 118 is formed on only a channel portion 105 and a drain electrode 106” (column 7, lines 67-68). Figure 8 clearly shows that layer 118 does not cover layer 107. Therefore, Wakai does not disclose or suggest at least “a semiconductor layer on the first insulating layer; a second conductive layer on the first insulating layer” as recited in the claim.

Accordingly, claims 1-9 are allowable at least for the reasons discussed above. Applicants believe the foregoing amendment and remarks place the application in a condition for allowance and early favorable action is hereby solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: October 13, 2004

Respectfully submitted,

By

  
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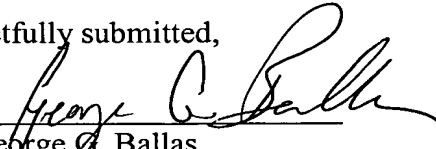
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